

THE LAW OFFICE OF

## ELISA HYMAN, P.C.

July 11, 2023

VIA ECF

Honorable Robert W. Lehrburger, U.S.M.J.  
 United States District Court - Southern District of New York  
 500 Pearl St.  
 New York, New York 10007

**USDC SDNY**  
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**ELECTRONICALLY FILED**  
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**DATE FILED:** 7/11/2023

Re: *P.L., et al. v. N.Y.C. Dep't of Educ., et al.*, 22-cv-5805 (PAE)

Dear Judge Lehrburger:

I represent the Plaintiffs in the above-referenced case and write jointly with counsel for the Defendants to respectfully request a one-week adjournment, at the Court's convenience, of the settlement conference currently scheduled for July 18, 2023, and a corresponding extension of time to submit any settlement letters to Your Honor.

In this case, Plaintiffs alleged that Defendants failed to implement final decisions of administrative hearing officers, held pursuant to the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1400 *et seq.*, and in particular alleged Defendants failed to make payments to Plaintiff P.L. as ordered in the final decisions of the IDEA hearings. Additionally, Plaintiffs seek their attorneys' fees and costs for three underlying IDEA administrative cases, as well as the instant federal action.

Today, Defendants provided further information concerning the reimbursements owed to P.L., and it appears that the implementation/reimbursement issues may now be resolved. Additionally, Defendants today made an initial offer to resolve Plaintiffs' fees claims. Although we have just begun negotiating, we believe we may be able to resolve the fees issue without the Court's assistance, or at least would like an opportunity to try to do so, particularly before Plaintiffs incur additional fees participating in a settlement conference with Your Honor and preparing the settlement submission.

If Your Honor denies the parties' adjournment request, we respectfully make two additional requests: 1) the parties request one additional day to file our settlement letters to Your Honor (we would submit them tomorrow, July 12<sup>th</sup>) and 2) Plaintiffs request permission for Plaintiff P.L. to be excused from attendance at the settlement conference in light of the fact that attorneys' fees are the remaining issue to be resolved.

If Your Honor grants the request, we propose submitting a status report no later than July 18, 2023, reporting whether the parties continue to believe settlement without the Court's assistance seems likely (and requesting cancellation of the adjourned settlement conference) or indicating that the parties will be filing their settlement submissions with the Court in preparation for the adjourned settlement conference.

1115 BROADWAY, 12<sup>TH</sup> FL.  
 NEW YORK, NY 10010

42 WEST 24<sup>TH</sup> STREET, 2<sup>ND</sup> FLOOR  
 NEW YORK, NY 10010

Thank you for Your Honor's consideration of this request.

Respectfully Submitted,  
THE LAW OFFICE OF ELISA HYMAN, P.C.

By: Erin O'Connor

Erin O'Connor, Esq., Of Counsel  
*Counsel for Plaintiffs*

cc: W. Simone Nicholson  
Special Assistant Corporation Counsel, *Attorney for Defendants*

Request granted. The settlement conference, and related date for pre-conference submissions, are adjourned to dates to be determined. The parties shall file a joint status letter by July 18, 2023.

SO ORDERED:

7/11/2023



HON. ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE